

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 15-cr-4519 MCA

**FIDEL NARANJO, and
KENDRA BROPHY**

Defendant.

**DEFENDANTS' JOINT UNOPPOSED MOTION TO
CONTINUE THE TRIAL SETTING AND TO
CONTINUE THE DEADLINE FOR PRE-TRIAL MOTIONS**

Defendants Fidel Naranjo and Kendra Brophy respectfully move the Court to continue the February 8, 2016, trial setting and the January 18, 2016, motions deadline for sixty days. In support of this motion, Mr. Naranjo and Ms. Brophy state as follows:

1. On December 3, 2015, Mr. Naranjo and Ms. Brophy were charged by complaint with one count of bank robbery, contrary to 18 U.S.C. § 2113 and 18 U.S.C. § 2. [Docs. 1-2.]
2. Following detention hearings, Mr. Naranjo was ordered detained pending trial and Ms. Brophy was ordered released to the third-party custody of La Pasada Halfway House. [Docs. 9, 13.]

3. On December 17, 2015, Mr. Naranjo and Ms. Brophy were charged by indictment with the same offense as charged in the complaints. [Doc. 15.] They were arraigned on December 28, 2015. [Doc. 20, 22.] At arraignment, the Magistrate Judge set a motions deadline of January 18, 2016. [*Id.*]
4. On December 31, 2015, this Court issued an order setting this case for trial on a trailing calendar beginning Monday, February 8, 2016. [Doc. 24.] The Court also set January 25, 2016, as the deadline for filing motions to continue. [*Id.*]
5. There have been no previous requests for continuance of trial in this case.
6. The United States has produced some, but not all, discovery to counsel for Mr. Naranjo and Ms. Brophy. Counsel for the Government, Edward Han, indicated his office is in the process of preparing additional discovery, which he expects to disclose to defense counsel shortly.
7. Even with the exercise of due diligence, undersigned counsel cannot complete their review of the discovery, confer with their respective clients and complete all necessary investigation and motions work by the current deadlines.

8. Given the outstanding discovery and the work to be done, a sixty-day continuance is necessary for undersigned counsel to effectively prepare their defenses in this matter, taking in account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). Under these circumstances, the ends of justice served by continuing the trial and motions deadlines for sixty days outweigh the best interest of the public, Mr. Naranjo and Ms. Brophy in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

9. On January 13, 2016, counsel for Ms. Brophy conferred with counsel for the government, Edward Han, regarding this motion and he stated the government consents to the relief requested herein.

Conclusion

For the foregoing reasons, Defendants Fidel Naranjo and Kendra Brophy respectfully move the Court to continue the February 8, 2016, trial setting and the January 18, 2016, motions deadline for sixty days.

Respectfully submitted,

Szantho Law Firm, P.C.

/s/ Andras Szantho

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Counsel for Defendant Fidel Naranjo

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CERTIFICATE OF SERVICE

I certify that on January 18, 2016, I filed the foregoing document electronically through the CM/ECF system, which caused all counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Theresa M. Duncan
Theresa M. Duncan